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8 IN RE: SOCIAL MEDIA ADOLESCENT
9 ADDICTION/PERSONAL INJURY
10 PRODUCTS LIABILITY LITIGATION

11 Case No. [22-md-03047-YGR](#) (PHK)

12 **ORDER RESOLVING DISPUTE RE
13 CERTAIN REQUESTS FOR
14 ADMISSION SERVED BY THE
15 STATES ON META**

16 Re: Dkt. 2012

17 **INTRODUCTION**

18 This MDL has been referred to the undersigned for all discovery purposes. *See* Dkt. 426.
19 Now pending before the Court is a joint discovery letter brief regarding a dispute between the
20 States and Meta regarding certain requests for admission served on Meta and the responses
thereto. [Dkt. 2012]. The Court finds the dispute suitable for resolution without oral argument.
See Civil L.R. 7-1(b).

21 **LEGAL STANDARD**

22 The Court has broad discretion and authority to manage discovery. *U.S. Fidelity & Guar.*
23 *Co. v. Lee Inv. LLC*, 641 F.3d 1126, 1136 n.10 (9th Cir. 2011) (“District courts have wide latitude
24 in controlling discovery, and their rulings will not be overturned in the absence of a clear abuse of
25 discretion.”); *Laub v. U.S. Dep’t of Int.*, 342 F.3d 1080, 1093 (9th Cir. 2003). The Court’s
26 discretion extends to crafting discovery orders that may expand, limit, or differ from the relief
27 requested. *See Crawford-El v. Britton*, 523 U.S. 574, 598 (1998) (holding trial courts have “broad
28 discretion to tailor discovery narrowly and to dictate the sequence of discovery”). For example,

1 the Court may limit the scope of any discovery method if it determines that “the discovery sought
2 is unreasonably cumulative or duplicative, or can be obtained from some other source that is more
3 convenient, less burdensome, or less expensive.” Fed. R. Civ. P. 26(b)(2)(C)(i).

4 Federal Rule of Civil Procedure 26(b)(1) provides that “[p]arties may obtain discovery
5 regarding any nonprivileged matter that is relevant to any party's claim or defense and
6 proportional to the needs of the case.” Information need not be admissible to be discoverable. *Id.*
7 Relevancy for purposes of discovery is broadly defined to encompass “any matter that bears on, or
8 that reasonably could lead to other matter that could bear on, any issue that is or may be in the
9 case.” *In re Williams-Sonoma, Inc.*, 947 F.3d 535, 539 (9th Cir. 2020) (quoting *Oppenheimer*
10 *Fund, Inc. v. Sanders*, 437 U.S. 340, 350-51 (1978)); *see also In re Facebook, Inc. Consumer*
11 *Privacy User Profile Litig.*, No. 18-MD-2843 VC (JSC), 2021 WL 10282215, at *4 (N.D. Cal.
12 Sept. 29, 2021) (“Courts generally recognize that relevancy for purposes of discovery is broader
13 than relevancy for purposes of trial.”) (alteration omitted).

14 While the scope of relevance is broad, discovery is not unlimited. *ATS Prods., Inc. v.*
15 *Champion Fiberglass, Inc.*, 309 F.R.D. 527, 531 (N.D. Cal. 2015) (“Relevancy, for the purposes
16 of discovery, is defined broadly, although it is not without ultimate and necessary boundaries.”).
17 Information, even if relevant, must be “proportional to the needs of the case” to fall within the
18 scope of permissible discovery. Fed. R. Civ. P. 26(b)(1). The 2015 amendments to Rule 26(b)(1)
19 emphasize the need to impose reasonable limits on discovery through increased reliance on the
20 commonsense concept of proportionality: “The objective is to guard against redundant or
21 disproportionate discovery by giving the court authority to reduce the amount of discovery that
22 may be directed to matters that are otherwise proper subjects of inquiry. The [proportionality
23 requirement] is intended to encourage judges to be more aggressive in identifying and
24 discouraging discovery overuse.” Fed. R. Civ. P. 26 advisory committee's note to 2015
25 amendment. In evaluating the proportionality of a discovery request, the Court considers “the
26 importance of the issues at stake in the action, the amount in controversy, the parties' relative
27 access to the information, the parties' resources, the importance of the discovery in resolving the
28 issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.”

1 Fed. R. Civ. P. 26(b)(1).

2 The party seeking discovery bears the burden of establishing that its request satisfies the
3 relevancy requirements under Rule 26(b)(1). *La. Pac. Corp. v. Money Mkt. I Inst. Inv. Dealer*,
4 285 F.R.D. 481, 485 (N.D. Cal. 2012). The resisting party, in turn, has the burden to show that the
5 discovery should not be allowed. *Id.* The resisting party must specifically explain the reasons
6 why the request at issue is objectionable and may not rely on boilerplate, conclusory, or
7 speculative arguments. *Id.*; see also *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th Cir.
8 1975) (“Under the liberal discovery principles of the Federal Rules defendants were required to
9 carry a heavy burden of showing why discovery was denied.”).

10 As part of its inherent discretion and authority, the Court has broad discretion in
11 determining relevancy for discovery purposes. *Surfvivor Media, Inc. v. Survivor Prods.*, 406 F.3d
12 625, 635 (9th Cir. 2005) (citing *Hallett v. Morgan*, 296 F.3d 732, 751 (9th Cir. 2002)). Similarly,
13 a district court’s determination as to proportionality of discovery is within its discretion. See
14 *Jones v. Riot Hospitality Grp. LLC*, 95 F.4th 730, 737-38 (9th Cir. 2024) (finding district court did
15 not abuse discretion on proportionality ruling). Ultimately, “the timing, sequencing and
16 proportionality of discovery is left to the discretion of the Court.” *Toro v. Centene Corp.*, No. 19-
17 cv-05163 LHK (NC), 2020 WL 6108643, at *1 (N.D. Cal. Oct. 14, 2020). In particular,
18 “[r]equests for admission are an area in which the court has broad discretion.” *Fernandez v. City*
19 *of S.F.*, No. C-93-2597, 1996 WL 162993, at *5 (N.D. Cal. Mar. 18, 1996).

20 The Ninth Circuit has made clear that the “purpose” of requests for admission is “to
21 narrow the issues for trial and avoid litigation of unessential facts.” *Asea, Inc. v. S. Pac. Transp.*
22 *Co.*, 669 F.2d 1242, 1248 (9th Cir. 1981). Further, the burden is on the proponent of requests for
23 admission to set forth properly framed and phrased requests for admission:

24 Because admissions are designed to limit factual issues in a case, the requesting
25 party bears the burden of setting forth its requests simply, directly, not vaguely or
26 ambiguously, and in such a manner that they can be answered with a simple admit
27 or deny without an explanation, and in certain instances, permit a qualification or
28 explanation for purposes of clarification. To facilitate clear and succinct responses,
the facts stated in the request must be singularly, specifically, and carefully detailed.
Moreover, requests for admissions should not contain “compound, conjunctive, or
disjunctive . . . statements.” However, “when the purpose and significance of a
request are reasonably clear, courts do not permit denials based on an overly-

technical reading of the request.” Finally, requests for admissions should not be used to establish “facts which are obviously in dispute,” to “demand that the other party admit the truth of a legal conclusion,” even if the conclusion is “attached to operative facts,” or to ask the party to admit facts of which he or she has no special knowledge.

James v. Maguire Corr. Facility, No. C 10-1795 SI (pr), 2012 WL 3939343, at *4 (N.D. Cal. Sept. 10, 2012) (citations omitted).

Additionally, a mere objection that requests for admission may be characterized as “compound” is unpersuasive, because Rule 36 allows responding parties to “qualify an answer or deny only a part of a matter” as long as the answer specifies the part admitted and qualifies or denies the rest. *Pecover v. Elec. Arts, Inc.*, No. 08-cv-02820 CW (NC), 2012 WL 12921363, at *4 (N.D. Cal. Mar. 23, 2012) (quoting Fed. R. Civ. P. 36(a)(4)). “Indeed, Rule 36 requires responding parties to ‘admit to the fullest extent possible, and explain in detail why other portions of a request may not be admitted.’” *Id.* (quoting *Marchand v. Mercy Med. Ctr.*, 22 F.3d 933, 936 (9th Cir. 1994)).

DISCUSSION

The Parties present three discrete disputes. First, the Parties dispute whether Meta should be required to respond to several of the requests for admissions with regard to the time period which postdates April 1, 2024 (which this Court previously ruled was the presumptive cutoff date for the relevant time period for fact discovery). Second, the Parties dispute whether Meta has adequately responded to RFA 16 (“Admit that you use personal information collected from users of your Platforms to develop, train, or validate algorithms or models”). Third, the Parties dispute whether Meta has adequately responded to RFA 46 (“Admit that Meta uses the personal information it gathers about Users, regardless of age, to better target its advertising services”) because of Meta’s objection that children under age thirteen are not authorized account holders and thus cannot be “users” of Meta’s services or platforms.

The Court addresses each dispute in turn.

A. Relevant Time Period

This dispute centers on Request for Admission Nos. 9 to 48, which include in their “Instructions” a statement that the “relevant time period” for the information sought by these

1 requests runs from “2012 to the present” unless the request otherwise indicates. [Dkt. 2012-1 at 4;
2 Dkt. 2012-2 at 5]. The dispute here is not on the start date for this period—rather the Parties
3 dispute whether Meta’s responses should include the time period “to the present.” This is, by the
4 undersigned’s count, at least the third time the Parties have raised a dispute as to the relevant time
5 period for discovery from Meta.

6 Resolution of this discovery dispute and careful review of the briefing is informed by the
7 fact that over a year ago, when the fact discovery period was open, the Court ruled that the
8 relevant time period for discovery from Meta ended on April 1, 2024. [Dkt. 969 at 4]. That end
9 date was the result of an agreement between the Parties reached at the time. *Id.* Discovery
10 Management Order (“DMO”) No. 7, which memorialized the Court’s rulings from that hearing,
11 addressed the issue of the time period for discovery as follows:

12 The Parties dispute the Relevant Time Period governing Plaintiffs’ discovery requests
13 directed at Meta and Meta’s search, collection, and review of responsive documents. [Dkt. 888].
14 The Parties confirm that they have reached agreement as to the default end date: “April 1, 2024,
15 with the exception of non-Email/Workchat files, for which the end date is the date of collection
16 (which generally falls between January and April 2024 for the 122 of 127 total agreed-to
17 custodians identified to date by Plaintiffs).” [Dkt. 940 at 11]. Accordingly, the Court **ORDERS**
18 the default end date to be as so indicated and agreed-upon by the Parties.

19 [Dkt. 969 at 4].

20 The States argue that Meta’s “overbroad reading of DMO 7” was rejected by the Court in
21 its subsequently issued Order, dated May 29, 2025, which resolved a separate dispute as to time
22 frame for deposition testimony from Meta’s Rule 30(b)(6) witnesses. [Dkt. 2012 at 9]; see Dkt.
23 1990. Meta responds that the States’ argument relying on the May 29, 2025 Order is “ironic[],”
24 because that Order largely upheld the April 1, 2024 discovery cutoff date “with limited exceptions
25 for documents actually produced.” [Dkt. 2012 at 10].

26 The Court notes that the May 29, 2025 Order directed deposition testimony after the April
27 1, 2024 default discovery end date for multiple Rule 30(b)(6) topics, either because the Parties
28 reached agreement on the issue or because Meta did not object to preparing and presenting a

1 witness on that topic with a later relevant time period. *See, e.g.*, Dkt. 1990 at 5. The Court also
2 allowed Plaintiffs to ask Meta's witnesses questions on documents which were produced in
3 discovery, which postdate April 1, 2024, and which were provided to Meta in advance of the
4 deposition. *Id.* at 8. As to two deposition topics which were actually disputed, the Court denied
5 the States' motion to compel Meta to provide a Rule 30(b)(6) witness to testify on the time period
6 after the April 1, 2024 cutoff date. *Id.* at 6. As stated in that May 29, 2025 Order, the Court
7 resolved the disputes using an analysis which was "more nuanced than the blanket approach both
8 sides urged this Court to undertake." *Id.* at 9.

9 Here, the States adopt a similarly blanket-like approach to argue that the April 1, 2024
10 discovery cutoff date should not apply. As the moving party on this issue, the States fail to
11 demonstrate why the Court should deviate from the April 1, 2024 discovery cutoff date here. A
12 review of the requests for admission in dispute does not demonstrate that there is anything unique
13 or particular sought by any of them which warrants expanding the relevant time period to the post-
14 April 1, 2024 time frame. Unlike the dispute resolved in the May 29, 2025 Order, there is no
15 agreement on the issues here and there is no showing that other Meta discovery responses or
16 documents postdating April 1, 2024 underlie the discovery requests at issue.

17 The States' final argument is that Meta improperly and selectively chose to respond to
18 three requests for admission by referring to a document which postdated April 1, 2024. [Dkt.
19 2012 at 6]. In response, Meta explains that it linked to its privacy policy as a reference, and that
20 linked policy allows users to toggle back to a previous version of the policy in effect during the
21 default discovery period. *Id.* at 10. Meta also supplemented its responses to these three requests
22 for admission to cite to produced versions of its privacy policy which fell within the relevant time
23 period. *Id.*

24 The States argue that Meta's linking to the post-April 1, 2024 privacy policy in the original
25 responses somehow waived Meta's objection as to time frame for not just these three requests for
26 admission but for every other request for admission at issue. That argument by the States is an
27 overreach because there is no indication that the responses to these three requests are necessarily
28 linked to the responses to the other requests, and thus, there is no basis to extend this waiver

1 argument to every single request for admission. And, as to the three requests for admission relied
2 on by the States, the Court finds that Meta has not been shown to have waived its objection to
3 responding to these requests for the time period after April 1, 2024 based on the record submitted.

4 Accordingly, the Court **DENIES** the States' motion to compel Meta to respond to any of
5 the requests for admission in dispute using a relevant time period which includes the time period
6 after the previously ruled upon default discovery cutoff of April 1, 2024.

7 **B. RFA 16**

8 Request for Admission No. 16 states: "Admit that you use personal information collected
9 from users of your Platforms to develop, train, or validate algorithms or models." [Dkt. 2012-1 at
10 16]. The "Definitions" included in RFA 16 define "personal information" to have "the same
11 meaning as the term is defined in 16 CFR § 312.2." *Id.* at 14.

12 Meta objects that this definition of "personal information" (from the regulations for the
13 Children's Online Privacy Protection Rule) renders RFA 16 irresolvably compound and complex,
14 thus relieving Meta of the obligation to respond, even in part, to the request. Section 312.2 states:

15 Personal information means individually identifiable information about an
16 individual collected online, including:
17 (1) A first and last name;
18 (2) A home or other physical address including street name and name of a city or
town;
19 (3) Online contact information as defined in this section;
20 (4) A screen or user name where it functions in the same manner as online contact
information, as defined in this section;
21 (5) A telephone number;
22 (6) A government-issued identifier, such as a Social Security, State identification
card, birth certificate, or passport number;
23 (7) A persistent identifier that can be used to recognize a user over time and
across different websites or online services. Such persistent identifier includes,
24 but is not limited to, a customer number held in a cookie, an Internet Protocol (IP)
address, a processor or device serial number, or unique device identifier;
25 (8) A photograph, video, or audio file where such file contains a child's image or
voice;
26 (9) Geolocation information sufficient to identify street name and name of a city
or town;
27 (10) A biometric identifier that can be used for the automated or semi-automated
recognition of an individual, such as fingerprints; handprints; retina patterns; iris

1 patterns; genetic data, including a DNA sequence; voiceprints; gait patterns; facial
2 templates; or faceprints; or

3 (11) Information concerning the child or the parents of that child that the operator
4 collects online from the child and combines with an identifier described in this
5 definition.

6 16 CFR § 312.2.

7 The States argue that Meta should have accepted one of the States' alternatively proposed
8 versions of RFA 16, or that Meta should have proposed its own compromise. [Dkt. 2012 at 6].
9 The States further argue that Meta's position on RFA 16 is inconsistent, because Meta was able to
10 respond to other requests for admission which also included the term "personal information." *Id.*
11 at 9.

12 Meta responds that even the States' proposed compromise reformulations of RFA 16 are
13 multi-part and complex such that Meta cannot "easily and coherently admit or deny the substance
14 of the matter." *Id.* at 10. Further, a review of the States' proposed compromise versions of RFA
15 16 shows that these proposals did not in any way alter or address the objected-to term "personal
16 information," but rather retained that term as fully defined and instead proposed narrowing as to
17 different terms (which are not currently part of the dispute presented here). *Id.* at 7.

18 In resolving this dispute, the Court is mindful of the allocation of burdens here. "[T]he
19 requesting party bears the burden of setting forth its requests simply, directly, not vaguely or
20 ambiguously, and in such a manner that they can be answered with a simple admit or deny without
21 an explanation, and in certain instances, permit a qualification or explanation for purposes of
22 clarification. . . . Moreover, requests for admissions should not contain 'compound, conjunctive,
23 or disjunctive . . . statements.'" *James*, 2012 WL 3939343, at *4 (citations omitted). The States
24 do not back away from their definition of "personal information" which incorporates all the
25 information set forth in the cited regulation, even in their proposed compromise rewriting of the
request. [Dkt. 2012 at 7]. As drafted, RFA 16 is compound because it facially incorporates a
multi-part and compound definition of "personal information."

26 Also, the States ignore that the regulation which they rely upon to define "personal
27 information" is open ended, further complicating Meta's ability to respond: "Personal information
28 means individually identifiable information about an individual collected online, *including*" eleven

1 subcategories of information—the term “including” makes clear that the eleven following
2 paragraphs are not limiting. 16 C.F.R. § 312.2 (emphasis added). Subcategory 3 is in turn
3 compound and open-ended: “Online contact information means an email address *or any other*
4 *substantially similar identifier* that permits direct contact with a person online, *including but not*
5 *limited to*, an instant messaging user identifier, a voice over Internet Protocol (VOIP) identifier, a
6 video chat user identifier, or a mobile telephone number provided the operator uses it only to send
7 text messages to a parent in connection with obtaining parental consent.” *Id.* (emphasis added).
8 Subcategory 7 is further compound and open-ended: “(7) A persistent identifier that can be used to
9 recognize a user over time and across different websites or online services. Such persistent
10 identifier *includes, but is not limited to*, a customer number held in a cookie, an Internet Protocol
11 (IP) address, a processor or device serial number, or unique device identifier.” *Id.* (emphasis
12 added). Subcategory 10 is also compound: “A biometric identifier that can be used for the
13 automated or semi-automated recognition of an individual, such as fingerprints; handprints; retina
14 patterns; iris patterns; genetic data, including a DNA sequence; voiceprints; gait patterns; facial
15 templates; or faceprints.” *Id.* And subcategory 11 is facially drafted as compound in ten
16 additional alternative combinations: “Information concerning the child or the parents of that child
17 that the operator collects online from the child *and combines with an identifier described in this*
18 *definition.*” *Id.* (emphasis added).

19 The States chose to define “personal information” in RFA 16 in a manner that is explicitly
20 compound. By presenting the request in this manner (even as narrowed with regard to other
21 terms, but not as to “personal information), the States have not shown that RFA 16 can be
22 answered with a simple admit or deny without an explanation. While the States argue that Rule 36
23 requires Meta to “qualify an answer or deny only a part of a matter” and “specify the part admitted
24 and qualify or deny the rest,” the rule imposes this obligation only “when good faith requires.”
25 Fed. R. Civ. P. 36(a)(4). Here, where the request at issue includes a term defined explicitly as
26 open-ended in multiple ways and defined in explicitly compound fashion in at least eleven
27 dimensions, the Court finds that good faith does not require Meta to admit in part and qualify or
28 deny the rest. RFA 16, even as redrafted by the States, runs afoul of the legal standards discussed

1 above.

2 Accordingly, the Court **DENIES** the States' motion to compel Meta to provide a further
3 response to RFA 16.

4 **C. RFA 46**

5 The final dispute concerns Request for Admission No. 46, which states "Admit that Meta
6 uses the personal information it gathers about Users, regardless of age, to better target its
7 advertising services." [Dkt. 2012-2 at 11]. Meta's objection to this request states, in part: "Meta
8 interprets 'Users' as referring only to individuals with an account on either Facebook or
9 Instagram, as Facebook and Instagram are the only social media services at issue in Plaintiffs'
10 operative complaint, and to individuals at least 13 years of age, as individuals under 13 years of
11 age are not permitted users of Facebook and Instagram. . . . Meta objects to the terms to the extent
12 that they assume Meta knowingly collects personal information from individuals under the age of
13." [Dkt. 2012-4 at 31-32]. The States seek an order striking this objection because "Meta
14 cannot redefine the request to avoid admitting that it collects the same data from all users and uses
15 such data for advertising purposes." [Dkt. 2012 at 7]. Meta responds that "RFA 46 speaks of
16 'Users, regardless of age' and 'target[ing]' ads to them. The 'target[ing]' language connotes
17 intentionality. Meta strongly denies that ads are 'target[ed]' to U13s (who are not authorized
18 Users), and therefore denies that ads are 'target[ed]' to Users 'regardless of age.' Meta's objection
19 is necessary to accurately qualify its response." *Id.* at 9.

20 Rule 36 provides that, in responding to a request for admission, "the answer must
21 specifically deny it or state in detail why the answering party cannot truthfully admit or deny it."
22 Fed. R. Civ. P. 36(a)(4). As detailed above, Meta's response does "state in detail why the
23 answering party cannot truthfully admit" the request for admission. As drafted, RFA 46 is
24 directed to a liability issue which the Parties hotly dispute. The request uses terms which, as
25 drafted and defined by the States, Meta objects to and fundamentally denies—as the briefing
26 makes clear, Meta denies that it "targets" persons "regardless of age." While it is clear that the
27 States (like any plaintiff) would prefer that a defendant admit a disputed liability issue, there is
28 nothing in Rule 36 that requires a responding party to admit issues which assume facts or

1 definitions that are disputed in good faith in the litigation. The Court notes that it is incongruous
2 for the States to complain here that Meta has essentially objected and proposed a compromise
3 version of RFA 46 and responded in part according to that compromise, whereas by contrast, in
4 connection with the dispute above regarding RFA 16, the States complain that Meta failed to
5 propose a compromise redrafting of RFA 16 and failed to respond even in part.

6 Accordingly, the Court **DENIES** the States' motion to seek to strike Meta's objections
7 and response to RFA 46 and **DENIES** the States' motion to compel Meta to provide a further
8 response to RFA 46.

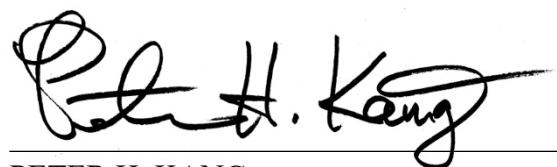
9 **CONCLUSION**

10 For all the reasons discussed herein, the Court **DENIES WITH PREJUDICE** the States'
11 motion seeking to strike Meta's objections to the request for admission in dispute and the Court
12 **DENIES WITH PREJUDICE** the States' motion to compel Meta to serve further responses to
13 the requests for admission discussed herein.

14 This **RESOLVES** Dkt. 2012.

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16 **IT IS SO ORDERED.**

17 Dated: October 6, 2025



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19 PETER H. KANG
20 United States Magistrate Judge
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